

REMARKS

In the January 14, 2003 Office Action, all of the pending claims stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response, Applicant has amended independent claims 1 and 2 to more clearly distinguish them from the prior art. Applicant has also amended claim 12 to depend from independent claim 1. Thus, claims 1-13 are pending, with claims 1 and 2 being the only independent claims. Entry and consideration of the above amendments are respectfully requested. Also, reexamination and reconsideration of the pending claims are respectfully requested in view of the above amendments and the following comments.

Interview Summary

Applicant's representative wishes to thank Examiner Stefanon and Examiner Bucci for the opportunity to discuss the above-identified patent application during the Interview of February 25, 2003. During the interview, the parties agreed that the claims have structural limitations including the "configured to move substantially parallel to said outer surface" feature, and the "slidably coupled to said outer casing" feature. Moreover, Applicant's representative presented arguments for independent claims 1, 2 and 12. The Examiner then pointed out areas where the Ritchey et al. patent allegedly reads on the independent claims. The parties then discussed possible amendments to distinguish the Ritchey et al. patent, including amending the claims to recite that the maintenance cover slides along an arcuate path parallel to the housing. The Examiner also indicated that the claims could be amended to recite that the maintenance cover slides in a plurality of channels. The parties agreed that Applicant will respond in due course.

Drawings

No drawing objections were made in this Office Action. However, Applicant submitted proposed drawing corrections on November 1, 2002, which were not indicated as being approved or disapproved. Applicant has resubmitted a modified Figure 5 including the November 1, 2002 proposed drawing corrections in the one (1) replacement sheet of drawings attached hereto. In the Modified Figure 5, Applicant has added the numeral 42 to identify the cable receiving bore and added the numeral 15 to identify the support member. Applicant believes that the drawings comply with 37 CFR §1.83(a). Approval and entry of the replacement sheet of drawings, which includes the modified Figure 5, are respectfully requested.

Rejections - 35 U.S.C. § 102

In paragraphs 1-2 of the Office Action, claims 1-13 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,067,875 (Ritchey et al.). In response, Applicant has amended independent claims 1 and 2 to more clearly define the present invention over the prior art of record. Applicant has also amended claim 12 to depend from independent claim 1 as now amended.

Turning now to independent claim 1, this claim, as now amended, requires a maintenance cover movably coupled to an outer casing between a closed position overlying an access opening and an open position exposing the access opening, in which the maintenance cover is configured to move along an *arcuate path substantially parallel to an outer surface of the outer casing* between the closed position and the open position. Clearly, this structure is *not* anticipated by the Ritchey et al. patent or any other prior art of record.

While Figures 2a-3a and 7a-7c show a bicycle shifter having a cable cover 86 and a housing portion 30 with an outer surface, the Ritchey patent *fails* to show that the cable cover 86 is configured to *move along an arcuate path* substantially parallel to the outer surface of the housing portion 30 between a closed position and an open position, as required by independent claim 1 as now amended. Accordingly, the Ritchey et al. patent *fails* to disclose the maintenance cover, as set forth in independent claim 1 as now amended.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicant respectfully submits that independent claim 1, as now amended, is *not* anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Turning now to independent claim 2, this claim, as now amended, recites a bicycle shift control device including

an outer casing having a first complementary mounting structure
and an access opening;

a cable operated winding mechanism having a cable attachment
point disposed relative to the access opening to be accessible
from the access opening; and

a maintenance cover slidably coupled to the outer casing between *a fully closed position overlying the access opening in which the cable attachment point is non-accessible and a fully open position exposing the access opening such that the cable attachment point is accessible through the access opening in the fully open position*, the maintenance cover being

configured and arranged with a second complementary mounting structure that is slideably retained to the first complementary mounting structure to retain the maintenance cover to the outer casing in both the fully closed position and the fully open position.

Clearly, this structure is *not* anticipated by the Ritchey et al. patent or any other prior art of record. As explained below in more detail, the Ritchey et al. patent *fails* to disclose any arrangement, in which *a cable attachment point* is *non-accessible* when a maintenance cover is *in a fully closed position* overlying an access opening, and the cable attachment point is accessible through the access opening when the maintenance cover is *in a fully open position exposing the access opening*, as set forth in independent claim 2.

In particular, the Ritchey et al. patent shows a cable cover 86 that has a closed position (e.g., Figure 7C) and an open position (e.g., Figure 7A), a housing portion 30 and a shifting cable 58 with a cable end 202 attached to the housing portion 30. The housing portion 30 and the cable cover 86 appear to be arranged such that the shifting cable 58 is guided along an outer surface of the housing portion 30 and *a nut 114* inside the housing portion 30 is *accessible* when the cable cover 86 is in the open position and the nut 114 is non-accessible when the cable cover 86 is in the closed position. The *cable attachment point* of Ritchey et al. is *not* accessible through an opening under the cable cover 86. Thus, Ritchey et al. *fails* to disclose any arrangement, in which a *cable attachment point* is *non-accessible* when the cable cover 86 is *in a fully closed position* overlying an access opening, and the cable attachment point is accessible through the access opening when the cable

Appl. No. 09/892,456
Amendment dated March 20, 2003
Reply to Office Action of January 14, 2003

cover 86 is *in a fully open position exposing the access opening*, as required by independent claim 2 as now amended.


It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicant respectfully submits that independent claim 2, as now amended, is *not* anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicant believes that the dependent claims 3-13 are also allowable over the prior art of record in that they depend from either independent claim 1 or independent claim 2, and therefore are allowable for the reasons stated above. Also, the dependent claims 3-13 are further allowable because they include additional limitations. Accordingly, Applicant respectfully requests withdrawal of the rejections.

* * *

In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-13 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,


Thomas A. Morrison
Reg. No. 46,104

SHINJYU GLOBAL IP COUNSELORS, LLP
1233 Twentieth Street, NW, Suite 700
Washington, DC 20036
(202)-293-0444

Dated: *March 20, 2003*

\\Gip-srv-01\Data\03-MAR03-SMMSN-US015079 Amend After Final.doc